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Attorneys for Defendants

COUNTY OF ALAMEDA; SHERIFF GREGORY AHERN; SHERIFF'S DEPUTY ALBERT J. SAMS; SHERIFF'S DEPUTY J. SELLS; SHERIFF'S DEPUTY SCOTT BRANDON; SHERIFF'S DEPUTY MISTY JOHNSON; SHERIFF'S DEPUTY JUSTIN MIGUEL; SHERIFF'S DEPUTY MARC PETRINI; SHERIFF'S SERGEANT E. MARAPAO; SHERIFF'S DEPUTY S. LENTHE; SHERIFF'S DEPUTY J. WHITE; SHERIFF'S SERGEANT RICHARD FRANCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON SMITH,

Plaintiff,

vs.

COUNTY OF ALAMEDA; SHERIFF GREGORY AHERN; SHERIFF'S DEPUTY ALBERT J. SAMS (Badge No. 202441); SHERIFF'S DEPUTY J. SELLS (Badge No. 1651); SHERIFF'S DEPUTY SCOTT BRANDON (Badge No. 1815); SHERIFF'S DEPUTY MISTY JOHNSON (Badge No. 1635); SHERIFF'S DEPUTY JUSTIN MIGUEL (Badge No. 1891); SHERIFF'S DEPUTY MARC PETRINI (Badge No. 1389); SHERIFF'S DEPUTY SERGEANT E. MARAPAO (Badge No. 1486); SHERIFF'S DEPUTY S. LENTHE (Badge No. 1227); SHERIFF'S DEPUTY J. WHITE; SHERIFF'S SERGEANT RICHARD FRANCO (Badge No. 105055), and DOES 1-100, Inclusive,

Defendants.

CASE NO.: CV14-03080 MEJ

STIPULATION FOR ENTRY OF ORDER OF DISMISSAL AND ~~PROPOSED~~ ORDER

WHEREAS all parties to this action, namely, Plaintiff AARON SMITH and Defendants

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COUNTY OF ALAMEDA; SHERIFF GREGORY AHERN; SHERIFF'S DEPUTY ALBERT J. SAMS; SHERIFF'S DEPUTY J. SELLS; SHERIFF'S DEPUTY SCOTT BRANDON; SHERIFF'S DEPUTY MISTY JOHNSON; SHERIFF'S DEPUTY JUSTIN MIGUEL; SHERIFF'S DEPUTY MARC PETRINI; SHERIFF'S SERGEANT E. MARAPAO; SHERIFF'S DEPUTY S. LENTHE; SHERIFF'S DEPUTY J. WHITE; SHERIFF'S SERGEANT RICHARD FRANCO, and each of them (the "Settling Parties"), have reached a mutual and amicable settlement and have entered into a separate agreement for settlement of this action, the terms of which are set forth in writing in the "Settlement Agreement and Release of all Claims" ("the Settlement Agreement"), to fully and finally resolve all matters concerning the Settling Parties without trial;

WHEREAS the Settlement Agreement covers all the claims between the Settling Parties in this action;

WHEREAS the Settling Parties agree to pay their own attorney fees and costs; and

WHEREAS there are no further issues for the Court to resolve as between the Settling Parties,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. This action, including each of Plaintiff's causes of action set out in Plaintiff's Complaint against all named defendants, shall be dismissed with prejudice, with each party to bear its own attorney fees and costs.

IT IS SO STIPULATED.

Edrington, Schirmer & Murphy LLP

Date: 1/21/16

/s/
Timothy P. Murphy, Esq.
Attorney for Defendants

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Brent, Fiol & Pratt, LLP

Date: 1/21/16

/s/

David Fiol, Esq.

Attorney for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 21, 2016



Maria-Elena James
U.S. Magistrate Judge

**CERTIFICATION BY TIMOTHY P. MURPHY PURSUANT TO LOCAL RULE NO.5-1,
SECTION (i)(3). RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

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2 1. I am an attorney licensed to practice law in the State of California, and am an
3 attorney in the law firm of Edrington, Schirmer & Murphy, counsel for Defendants COUNTY OF
4 ALAMEDA; SHERIFF GREGORY AHERN; SHERIFF'S DEPUTY ALBERT J. SAMS;
5 SHERIFF'S DEPUTY J. SELLS; SHERIFF'S DEPUTY SCOTT BRANDON; SHERIFF'S
6 DEPUTY MISTY JOHNSON; SHERIFF'S DEPUTY JUSTIN MIGUEL; SHERIFF'S DEPUTY
7 MARC PETRINI; SHERIFF'S SERGEANT E. MARAPAO; SHERIFF'S DEPUTY S. LENTHE;
8 SHERIFF'S DEPUTY J. WHITE; SHERIFF'S SERGEANT RICHARD FRANCO. The
9 statements herein are made on my personal knowledge, and if called as a witness, I could and
10 would testify thereto.

11 2. The above e-filed document contains multiple signatures. I declare that
12 concurrence has been obtained from each of the other signatories to file this jointly prepared
13 document with the Court. Pursuant to Local Rule 5-1, section (i)(3), I shall maintain records to
14 support this concurrence for subsequent production for the Court if so ordered, or for inspection
15 upon request by a party until one year after final resolution of the action (including appeal, if any).
16 I declare under penalty of perjury under the laws of the United States of California that the
17 foregoing is true and correct on January 21, 2016.

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20 /s/
Timothy P. Murphy